



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

September 17, 2010

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

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Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

5150 DETAINEE TRANSPORT (ITEM 6, AGENDA OF FEBRUARY 9, 2010)

On February 9, 2010, your Board directed the Chief Executive Office (CEO) to establish an executive-level group to include the CEO; representatives from the County Emergency Medical Services and Mental Health Commissions; Countywide Criminal Justice Coordination Committee (CCJCC); Sheriff, Fire, Mental Health, and Health Services Departments; Los Angeles Police Department; Hospital Association of Southern California, Protection and Advocacy, Inc.; National Alliance for the Mentally Ill; and other similar organizations (Attachment) to oversee a study on improving pre-hospital care and transport of 5150 detainees and submit a report proposing a "most-appropriate-and-feasible" system of pre-hospital response to include field assessment and transport for possible 5150 detentions.

On July 7, 2010, this office advised your Board that an extension would be necessary to investigate and further address the elements of the study. At its meeting on July 7, 2010, the CCJCC passed a motion establishing a 5150 Study Group as an ad-hoc subcommittee of the CCJCC, which has taken a leadership role in convening the committee meetings and conducting the study. This has been a tremendous benefit in exploring the issues and laying the groundwork for a response to your Board's motion.

Although the work of the subcommittee continues, the attachment is a CCJCC status report of the work to date, issues identified, and next steps. The status was presented to the CCJCC at its regular meeting on September 1, 2010. As indicated in the report, the CCJCC subcommittee reviewed research conducted on this issue by County commissions and law enforcement agencies and created five work groups to review specific facets of the issue. Three of the five workgroups have already met; the other

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two have dates pending. The work groups are developing general recommendations and outlining the remaining issues that require further study, data collection, and discussion. Discussions so far indicate that a possible option may be developed as an alternative to some, although not all, law enforcement transports of 5150 detainees.

This Office, CCJCC, and representatives from the various stakeholder groups are continuing to discuss the issues and alternatives in the five work groups in preparation for developing a report with recommendations to address this matter. Accordingly, additional time is needed to complete this effort, and we anticipate finalizing a report back to your Board in November 2010.

Should you have any questions, please contact me or your staff may contact Deputy Chief Executive Officer Jacqueline White, Public Safety, at (213) 893-2374 or Deputy Chief Executive Officer Sheila Shima, Health and Mental Health Services, at (213) 974-1268.

WTF:BC:JW:SS
JS:gl

Attachment

c: Executive Office, Board of Supervisors
 County Counsel
 Countywide Criminal Justice Coordination Committee
 Fire
 Health Services
 Mental Health
 Sheriff

091710_HMHS_MBS_5150 TRANSPORT



COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE



500 WEST TEMPLE STREET, ROOM 520 • LOS ANGELES, CA 90012 • (213) 974-8398

To: CCJCC Members

From: Mark Delgado
Executive Director

Date: September 1, 2010

Subject: Alternative Transport Options of 5150 Detainees

On February 9, 2010, the Board of Supervisors passed a motion to establish an executive-level group to oversee a study on improving pre-hospital care and transport of persons detained by law enforcement under Welfare and Institutions Code Section 5150. The group was tasked with reporting on the "most appropriate and feasible" system of pre-hospital response and to report back to the Board on the 5150 Study Group's formation, initial meetings, plan of work and timetable.

After gathering background information and previous research on the issue by various County commissions and law enforcement agencies, the Chief Executive Office, in partnership with the Countywide Criminal Justice Coordination Committee, formed the 5150 Study Group in June 2010. The Study Group includes representatives from the Chief Executive Office, CCJCC, the County Emergency Medical Services and Mental Health Commissions, the Departments of Sheriff, Fire, Mental Health, Health Services, the Los Angeles Police Department, the National Alliance for the Mentally Ill, the Los Angeles County Ambulance Association, the Hospital Association of Southern California and County Counsel.

Given this issue's connection to public safety and the necessary collaboration with many of CCJCC member agencies, CEO and CCJCC staff felt it was appropriate for CCJCC to convene meetings and coordinate the study. At its meeting on July 7, 2010, CCJCC passed a motion establishing this Study Group as an ad hoc subcommittee of CCJCC with Deputy CEO Sheila Shima serving as its chair.

To conduct its work, the 5150 Study Group reviewed research already conducted on this issue by County commissions and law enforcement agencies and created five work groups to review specific facets of the issue:

1. **The Statutory/Legal Work Group** is reviewing the current 5150 statutes, relevant case law and opinions as they pertain to the implementation any alternative transport system.
2. **The Options/Alternatives Work Group** is reviewing current transport options and developing detailed recommendations for alternative transport options of WIC Section 5150 detainees, if needed.

3. **The Finance/Resources Work Group** is estimating costs of the current transport system and the cost to implement any recommended alternative transport system.
4. **The Field Assessment and Training Work Group** will discuss training and best practices in field assessment for law enforcement personnel to ensure 5150 holds are placed only as appropriate.
5. **The Psychiatric Bed Capacity and Tracking Work Group** will review efforts to track psychiatric bed capacity countywide and options for a system that could inform responsible agencies of available beds.

Status

The statutory/legal work group, options/alternative work group, and finance/resources work group have each met. Each work group developed general recommendations and outlined remaining issues that require further study, data collection and discussion. In addition, the information developed by the work groups was presented, reviewed and discussed by the larger Study Group at their second meeting on August 23, 2010. That information is summarized below.

There are several ways in which 5150 detainees are currently transported to LPS-designated psychiatric facilities. Per the direction of the Board motion, the Study Group is focused on transports conducted by law enforcement after they respond to calls in the field and place an individual on a 5150 hold. These individuals are currently transported in handcuffs in a police vehicle.

In exploring whether there is a more effective and appropriate method of transporting law enforcement 5150 detainees, the Study Group has discussed the use of ambulette transport services. Ambulettes are vehicles specially equipped to transport individuals whose medical condition requires transportation services but does not require emergency services or equipment during transport.

Such a system would require contracting with a County-licensed ambulance service provider to respond to calls for non-emergent transport of 5150 detainees identified by law enforcement in the field. The service provider would provide a dedicated fleet of ambulettes or gurney vans¹ available 24/7 for this function.²

The Study Group considers an alternate transport system such as ambulette transport as an addition to a continuum of options available to law enforcement personnel in the field. An alternate transport system will not be appropriate for all 5150 transports when law enforcement is called. Law enforcement officers must assess every case as to safety issues including emergent medical situations that would require a fully equipped ambulance. Additionally, if an individual is violent or exhibits the potential for violence, law enforcement transport could remain the most appropriate method. The alternative transport system, as proposed, would be an option if certain criteria are met.

¹ The terms *ambulette* and *gurney van* are interchangeable.

² Specific requirements of an ambulette transport have been outlined by the work group.

Equally important to emphasize is the need to consider an organized triage system to direct the transport of 5150 detainees to appropriate medical facilities. There are several models of triage that could be incorporated into an alternate transport system. Specifically, there are two areas of focus to consider in the design: 1) Assessment of insurance status; and 2) Ability to communicate with LPS-designated facilities and regularly track bed availability to inform transport decisions. These two issues will be essential the workability and success of an alternative system.

Statutory/Legal Issues

No major legal obstacles were identified related the implementation of an alternate transport system, with the exception of the rights of private hospitals to refuse individuals transported to their facility by non-law enforcement personnel. This area requires further exploration.

Finance and Resources

The Finance work group developed a methodology to estimate costs associated with the current transport system by law enforcement. Based on this methodology, CCJCC staff is currently gathering data to make this calculation.

This will generate a more general estimate and will not incorporate the costs³ associated with having a patrol car out of the field requiring reallocation and potential redeployment of other law enforcement resources. We will also attempt to address risk management and liability issues related to the current method of law enforcement transport.

The work group also developed a methodology to calculate costs associated with the implementation of an alternate transport system utilizing ambulette services. That estimate would include the cost of the ambulette transport, costs associated with operating the dispatch system, and potential hospital costs related to security.

Remaining Issues

At the August 23 Study Group meeting, the work group recommendations and a number of remaining issues were discussed. It is clear that more information, data and discussion are required prior to the development of specific recommendations to submit to the Board of Supervisors.

Those remaining issues include:

- Decision-making and training of law enforcement personnel in the field to assess most appropriate transport option.
- Details regarding type of contract (performance-based), contract monitoring, reimbursement, billing, and payor of last resort for an ambulette transport system.
- Guidelines and recommendations for application of restraints by ambulette personnel.
- Capacity needs to operate a 24/7 dispatch system.
- Outstanding legal issues related to the right of refusal of hospitals.

³ Costs related to these types of issues are difficult to quantify but in a cost-benefit or cost-effectiveness analysis are essential to consider nonetheless.

- Dispatch process to County and non-County hospitals.
- Bed capacity and the ability to reliably direct ambulettes transporting 5150 detainees to appropriate and available psychiatric beds.
- Potential impact on County Emergency Rooms.
- Guidelines on instances when law enforcement would be required to accompany an alternate transport (e.g. ambulette) to the hospital.
- Data related to the number of transports that could be expected via an alternate system.
- Costs of an alternate system including transport, dispatch and other resource needs.
- Unforeseen costs associated with a potential increase in the number of calls from law enforcement for 5150 transport via ambulette.
- Costs of liability and risk management issues associated with law enforcement transport of 5150 detainees

Next Steps

Over the next few weeks, staff from CCJCC will continue to work with the relevant agencies to gather information and will convene the remaining two work groups. Information will be disseminated to Study Group members for their next meeting scheduled for September 28, 2010. Based on this information, the Study Group will continue its discussions aimed at developing a set of recommendations to present to CCJCC and the Board by mid-November.